

Electronic Data Transmission Prescriptions – Frequently Asked Questions

Question #1: Does the pharmacy need to have the capability of receiving electronic data transmission prescriptions from all prescribers?

Answer: Under the California Business and Professions Code (BPC) section 688(b), a pharmacy must have the capability to receive an electronic data transmission prescription on behalf of a patient from a health care practitioner authorized to issue a prescription pursuant to Section 4040.

Reference: BPC 688(a), 688(b), 4040

Question #2: Does BPC 688(b) apply to both non-controlled and controlled substances?

Answer: BPC 688(b) applies to both non-controlled and controlled substances with regard to a pharmacy's capability to receive electronic data transmission prescriptions. However, under BPC 688(c), a prescription for a controlled substance, as defined by BPC 4021, the electronic data transmission prescription must comply with Parts 1300, 1304, 1306, and 1311 of Title 21 of the Code of Federal Regulations (CFR).

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 688(a) 688(b), 688(c) 4021 and CFR sections 1300, 1304, 1306 and 1311

Question #3: On or after 01/01/2022, may a pharmacy dispense a prescription medication if it receives a prescription that is not transmitted to the pharmacy as an electronic data transmission prescription?

Answer: BPC 688(i) states that a pharmacist who receives a written, oral, or faxed prescription is not required to verify that the prescription properly falls under one of the exceptions in subdivision (e). Pharmacists may continue to dispense medications from legally valid written, oral, or faxed prescriptions pursuant to this division.

Reference: BPC 688(i)

Question #4: Can an unfilled non-controlled electronic data transmission prescription received by a pharmacy be transferred or forwarded to another pharmacy?

Answer: BPC 688(g) states that a pharmacy that receives an electronic data transmission prescription from a prescribing health care practitioner who has issued the prescription but has not dispensed the medication to the patient must, at the request of the patient or a person authorized to make a request on behalf of the patient, immediately transfer or forward the electronic data transmission prescription to an alternative pharmacy designated by the requester.

Reference: BPC 688(g)

Question #5: Can an unfilled Schedule II-V controlled substance electronic data transmission prescription received by a pharmacy be transferred or forwarded to another pharmacy?

Answer: BPC 688(g) states, a pharmacy that receives an electronic data transmission prescription from a prescribing health care practitioner who has issued the prescription but has not dispensed the medication to the patient must, at the request of the patient or a person authorized to make a request on behalf of the patient, immediately transfer or forward the electronic data transmission prescription to an alternative pharmacy designated by the requester.

Reference: BPC 688(g), see Drug Enforcement Administration (DEA) policy referenced in "The Script" Newsletter dated October 2017

Question #6: What are the record keeping requirements for a pharmacy who transfers or forwards electronic data transmission prescriptions? What are the record keeping requirements for a pharmacy who receives a transfer or forward of electronic data transmission prescriptions?

Answer: Record keeping must comply with the California Code of Regulations (CCR) section 1717(e) and CFR 1306.25, if applicable

Question #7: If a licensed non-resident pharmacy is located outside of California and services a patient in California, is an electronic data transmission prescription required?

Answer: BPC 688(b) states, a pharmacy, pharmacist, or other practitioner authorized under California law to dispense or furnish a prescription pursuant to Section 4040 must have the capability to receive an electronic data transmission prescription on behalf of a patient. Depending on the scenario, the pharmacy would not need to question a non-electronic data transmission prescription under BPC 688(i).

Reference: BPC 688(b), 688(i)

Question #8: How does BPC 688 apply to out-of-state telemedicine doctors or telephonic/faxed prescriptions from out-of-state?

Answer: BPC 688(a) states, a health care practitioner authorized to issue a prescription pursuant to Section 4040 must have the capability to issue an electronic data transmission prescription, as defined under Section 4040, on behalf of a patient and to transmit that electronic data transmission prescription to a pharmacy selected by the patient. Depending on the scenario, the pharmacy would not need to question a non-electronic data transmission prescription under BPC 688(i).

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 688(a), 688(i)

Question #9: BPC 688(e)(1) contains an exception to the law referencing California Health and Safety Code (HSC) section 11159.2 which discusses controlled substance prescriptions issued to terminally ill patients. Does HSC 11167.5 remain effective for those that practice in the applicable hospice and long-term care settings?

Answer: HSC 11167.5 will remain effective in the applicable hospice and long-term care settings.

Reference: HSC 11167.5, HSC 11159.2, BPC 688(e)(1)

Question #10: Is there an instance when an electronic data transmission prescription must be printed?

Answer: Under certain circumstances as outlined in HSC 11167.5, there may be instances where a long-term care or hospice care pharmacy may need to print the electronic transmission prescription. Additionally, 688(e)(4)(A)(B) references instances when a prescription must be electronically issued but does not require electronic transmission and may be provided directly to the patient. Controlled substance prescriptions provided directly to the patient also must comply with federal law. Depending on the scenario, the pharmacy would not need to question a non-electronic data transmission prescription under BPC 688(i).

Reference: Health and Safety Code section 11167.5, 688(e)(4)(A)(B), 688(i)

Question #11: Does the hospital retail pharmacy have the option to only receive electronic data transmission prescription from its own hospital health care practitioners, but not from any other health care practitioner?

Answer: BPC 688(a) is inclusive of all health care practitioners authorized to issue a prescription pursuant to BPC 4040. As indicated in BPC 688(b), a pharmacy must have the capability to receive an electronic data transmission prescription on behalf of a patient from all types of health care practitioners pursuant to BPC 4040. BPC 688(e)(7) provides a potential exemption of this law if the health care practitioner and the dispenser are the same entity.

References: BPC 688(a), 688(b), 688(e)(7)

Question #12: Is posting a prescription in a health care provider's system accessible by pharmacists in their system considered transmission?

Answer: Under the provisions of BPC section 688(e)(7), if the prescribing health care practitioner and dispenser are the same entity, electronic transmission are not required. Based on the Board's understanding of the scenario posed, "posting" of the prescription in an electronic medical record for dispensing by a pharmacy of the same entity meets

the intent of California law. Controlled substance prescriptions must also comply with federal law.

Reference: Business and Professions Code section 688(a)(d)(e)(7).

Question #13: Under BPC 688(e)(7), what does “same entity” mean? Same location or just same health care system?

Answer: As described in BPC 688(e)(7), “same entity” refers to the same health care system which may or may not be the same physical location.

Reference: BPC 688(e)(7)

Question #14: For prescribers working under exempted medical practices described in BPC 688(e), do they still need to comply with BPC 688(a) and have the capability of issuing and transmitting an electronic data transmission prescription?

Answer: BPC 688(d) would not be applicable to a health care practitioner prescribing a prescription pursuant to subdivision (e). However, the health care practitioner must have the capability to issue and transmit an electronic data transmission prescription as defined under BPC 4040 and 688(a).

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 688(a), 688(d), 688(e) and 4040

Question #15: Does an e-mail qualify as “an electronic data transmission prescription” or does the prescription need to come from an electronic prescribing platform?

Answer: BPC 4040(c) describes an “electronic data transmission prescription” as any prescription order, other than an electronic image prescription that is electronically transmitted from a licensed prescriber to a pharmacy. An email could potentially qualify as an electronic data transmission prescription for noncontrolled substances; however, does not appear to meet the spirit of the law. However, under BPC 688(c) a prescription for a controlled substance, as defined by BPC 4021, the electronic data transmission prescription must comply with Parts 1300, 1304, 1306, and 1311 of Title 21 of the Code of Federal Regulations.

Note: The California Board of Pharmacy recommends that practitioners contact their respective regulatory board for guidance on its requirements for issuing a prescription.

Reference: BPC 4040(c), 4021, 688(c), Code of Federal Regulations section 1300, 1304, 1306 and 1311

Question #16: If after speaking with the prescriber/agent a modification is made, would the electronic data transmission prescription be voided and does the prescription need to be rewritten as a telephone prescription?

Answer: BPC 688 does not address the modification of an electronic data transmission prescription. For a noncontrolled and Schedule III-V prescription, a pharmacy may reduce the oral prescription to writing as described in BPC 4070(a) and HSC 11164(b).

Note: DEA registrants also must comply with federal law regarding controlled substances.

Reference: BPC 688, 4070(a), HSC 11164(b)

Question #17: Does a pharmacist have a responsibility to report prescribers who are not complying with BPC 688?

Answer: The law does not require pharmacists to notify the respective regulatory agency of issues of non-compliance, but they may choose to do so.

Reference: BPC 688(j)

Question #18: Do health care practitioners, pharmacists, or pharmacies, when providing health care services to an inmate, individual on parole, or youth under the jurisdiction of the Department of Corrections and Rehabilitation need to comply with BPC 688?

Answer: BPC 688(k) indicates this section must not apply in the scenario described. However, if an inmate, individual on parole or youth is not under the jurisdiction of the Department of Corrections and Rehabilitation, BPC 688 would apply.

Reference: BPC 688(k)